



Congress of the United States
House of Representatives

May 14, 2014

498

Mr. Thomas E. Wheeler
Chairman
Federal Communications Commission
445 12th Street, Southwest
Washington, DC 20554

Dear Chairman Wheeler:

We are writing to respectfully urge you to halt your consideration of any plan to impose antiquated regulation on the Internet, and to warn that implementation of such a plan will needlessly inhibit the creation of American private sector jobs, limit economic freedom and innovation, and threaten to derail one of our economy's most vibrant sectors. At a time when technology businesses need certainty to innovate, this is not the time for the FCC to engage in a counterproductive effort to even further regulate the Internet.

Private sector investment has been a cornerstone of broadband deployment, and imposing expansive network neutrality regulations would only serve to deter investment and stifle one of the brightest spots in our economy. The Commission was charged with promoting broadband investment and deployment to help incent our economy and create jobs. It responded, pursuant to Congress's instruction to leave the Internet "unfettered by federal or state regulation," by refusing to regulate broadband service as an old-fashioned Title II service and leaving the Internet minimally regulated. Our nation's deregulatory approach helped the private sector deploy broadband to 95 percent of U.S. households, following hundreds of billions of dollars in investment. In 2013 alone, the private sector invested \$13 billion dollars, and is expected to match that investment annually for the foreseeable future. Broadband speeds increase exponentially each year, and consumers can now use their broadband service in thousands of new ways to access information, to engage with government, to make use of the many other innovative services available to consumers over the Internet.

Despite these successes, efforts to regulate the Internet as a utility under Title II are threatening to set back this progress and impose on broadband rules designed for the old-fashioned, monopoly-era phone service. Doing so would contradict a decade of FCC decisions under Democratic and Republican administrations and limit the freedom to innovate and create that has characterized the Internet since its inception. Investment experts advise that implementing such a scheme – or even considering regulating broadband as a

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Page 2

Title II service – creates regulatory uncertainty that causes a reduction in the investment capital necessary for even greater broadband deployment. The FCC must correct this misstep and make clear its commitment to establishing a stable regulatory scheme that allows for investment and innovation.

The Internet was born, grew up, and became the engine of social, economic and political change that we know today without net neutrality rules. And, despite the distinctly international flavor of today's Internet, let us not forget that it is an American invention. We asked the world to take a leap of faith with us – to reject the idea that communications was inherently a state-owned enterprise or government-granted monopoly. Today, thousands of companies serve billions of people around the world and enable trillions of dollars of economic activity worldwide. As we continue to ask the world to keep their hands off the Internet and to allow people to freely engage with each other, we should lead by example and reject calls to return to a bygone model of network regulation.

Here at home, the FCC's agenda on net neutrality threatens to slow job creation and jeopardizes our economic recovery. It's not too late to reject the notion that we should regulate the Internet under Title II. The Commission should be focused on unleashing the full job-creating potential of the private sector, including the Internet, rather than stifling such growth through expansions of federal power.

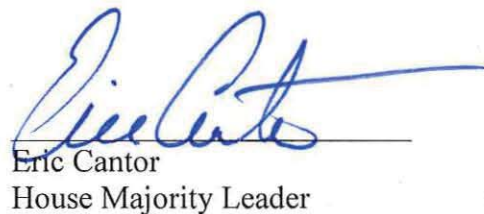
Sincerely,



John A. Boehner
Speaker of the House



Kevin McCarthy
House Majority Whip



Eric Cantor
House Majority Leader



Cathy McMorris Rodgers
House Republican Conference Chair



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

The Honorable John Boehner
Speaker
U.S. House of Representatives
H-232 the Capitol
Washington, D.C. 20515

Dear Speaker Boehner:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("Notice") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

The Commission has been working for more than a decade to safeguard the Open Internet. While there has been a bipartisan consensus, starting under the Bush Administration with Chairman Powell, on the importance of an open Internet to economic growth, investment, and innovation, we find ourselves today without any rules in place to protect and promote Internet openness. The *status quo* is unacceptable. Unless and until the FCC adopts new rules, broadband providers will be free to block, degrade, or otherwise disadvantage innovative services on the Internet without threat of sanction by the FCC. This is unhealthy for investment, damaging to innovation, and, ultimately, bad for the future of the Internet. As Chairman, I will utilize the best tools available to me to ensure the Commission adopts effective and resilient open Internet rules.

The court's decision in *Verizon* established unequivocally that the Commission has the legal authority under Section 706 of the Telecommunications Act of 1996 to craft enforceable rules to protect and promote an open Internet for all Americans. In particular, the court agreed with the Commission's conclusion that an open Internet enables a virtuous cycle of investment and broadband deployment – *i.e.*, that innovative content and services at the edges of the network drive consumer demand for broadband services, which drives investment in broadband infrastructure and deployment, which drives more innovation at the network's edges, and so on. The court affirmed that it is the Commission's responsibility to protect this virtuous cycle and that Section 706 authorizes us to do so.

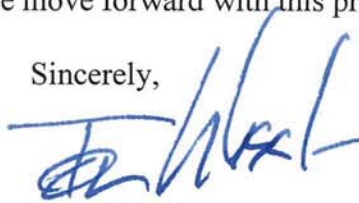
I believe that the Section 706 framework set forth by the court provides us with the tools we need to adopt and implement robust and enforceable Open Internet rules. For this reason, the

Notice used the court's legal blueprint as a starting point. Nevertheless, the Commission also is seriously considering the use of Title II of the Communications Act as the basis for legal authority. The *Notice* explains that both Section 706 and Title II are viable solutions to the authority issue, and seeks comment on the benefits of each approach, as well as the benefits of one approach over the other, to ensuring that the Internet remains an open platform for innovation and expression. With respect to your concerns about Title II reclassification creating regulatory and economic uncertainty, the *Notice* asks about the extent to which forbearance from certain provisions of the Act or our rules would be justified so that the regulatory treatment of broadband providers is appropriately balanced.

This *Notice* is the first step in the process, and I look forward to comments from all interested stakeholders, including members of the general public, as we develop a fulsome record on the legal authority and many other questions raised in the *Notice*. To that end, in an effort to maximize public participation in this proceeding, we have established an Open Internet email address – openinternet@fcc.gov – to ensure that Americans who may not otherwise have the opportunity to participate in an FCC proceeding can make their voices heard. In addition, to ensure sufficient opportunity for broad public comment, we have provided a lengthy comment and reply period that will give everyone an opportunity to participate.

Again, I appreciate your deep interest in this matter and look forward to a continued engagement with you and others in Congress as we move forward with this proceeding.

Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

June 17, 2014

The Honorable Cathy McMorris Rodgers
U.S. House of Representatives
203 Cannon House Office Building
Washington, D.C. 20515

Dear Representative McMorris Rodgers:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("Notice") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

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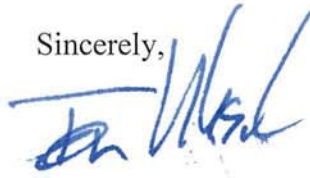
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

The Honorable Kevin McCarthy
U.S. House of Representatives
2421 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative McCarthy:

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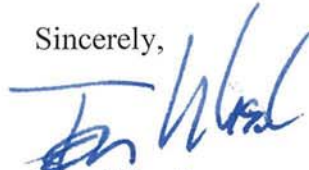
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Tom Wheeler



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WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

The Honorable Eric Cantor
U.S. House of Representatives
303 Cannon House Office Building
Washington, D.C. 20515

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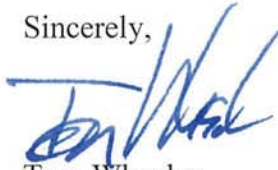
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